

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

GRADY BENARD WILLIAMS, JR.,

Plaintiff,

v.

GEORGIA DEPARTMENT OF
CORRECTIONS; BRIAN OWENS;
STANLEY WILLIAMS; and
WAYNE JOHNSON,

Defendants.


CIVIL ACTION NO.: CV612-110

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff asserts that "D. Halloway", media personnel, would not return legal materials Plaintiff needed to challenge his criminal conviction. Even accepting this assertion as true, Plaintiff fails to set forth facts sufficient to show that he suffered an "actual injury" during the pursuit of a non-frivolous cause of action. In addition, Plaintiff fails to set forth facts which reveal that the actions or inactions of the named Defendants resulted in a constitutional violation. Plaintiff admits, in fact, that he seeks to hold the named Defendants "liable based solely on their supervisory positions with the Georgia Department of Corrections and at Smith State Prison." (Doc. No. 11, p. 4). As the Magistrate Judge noted, Plaintiff cannot do so in a 42 U.S.C. § 1983 action.

Plaintiff's Objections are without merit and are overruled. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED** based on Plaintiff's failure to state a claim upon which relief may be granted. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 30 day of Jan, 2013.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA